

### **Remarks**

All pending claims are amended above with intent to more clearly express distinctions over the art applied in the latest office action.

As to rejection of claims 1, 11 and 16, it should be noted that Slater concerns a  
5 method of managing a cluster of network switching devices in station managing the cluster routes network traffic to a commander switch which in turn redirects the traffic to one of a plurality of expansion switches which transfers such traffic to intended network destinations. Slater neither teaches nor suggests a service to route communications from any of multiple subscribed users of the service initially to a server providing the service,  
10 and via that server to one of a plurality of destinations identified ambiguously as a group by a locator term used in each communication.

Note that such routing service is now clearly expressed in claims 1, 11, and 16 as amended here. It should be apparent that these claims all concern, in one context or another, a network service in which communications from subscribed users of the service  
15 are initially directed to and received at a server furnishing a redirection service, and redirected by that server to a selected one of plural potential destinations in conformance with user profile information available to the server. Each of these communications originates at a user station with locator information unambiguously pointing to the server as initial destination and also pointing to one or more destinations. If more than one  
20 destination is possible, the server must select one of those using the user profile information.

In Slater, the management station and commander switch are part of a switching complex and do not provide a service to correct for ambiguous designations in incoming communications of intended end destinations of respective communications. As presently  
25 understood, column 15 in Slater, cited in the present office action as supporting the '102 rejection, merely describes how Slater's commander switch redirects incoming traffic to one of plural expansion switches in its co-managed cluster. The expansion switches are all at known network addresses and there is no suggestion in this reference of redirecting the switched traffic to ambiguously defined end destinations.

Therefore, it should be appreciated that Slater not only does not anticipate any of claims 1, 11 and 16, but also that Slater's teachings are to an aspect of network communication (switch cluster management) entirely different from the subject matter of these claims. Accordingly, it is submitted that teachings of Slater do not per se represent a basis for even a '103 rejection of claims 1, 11 and 16.

As to the '103 rejections of present dependent claims, based on so-called combined teachings of Slater and other art, it is submitted: a) that the action fails to set out a proper basis for combining such teachings (discussion follows); and b) considering differences noted above between Slater and subject matter of present parent claims, as well as between Slater and the art sought to be combined with it, even if some rational basis could be found for combining teachings of Slater with the other art, the combined teachings would not obviate any present claim.

In respect to combining references, it is well settled law that the PTO has the burden of establishing a prima facie basis for any assertion that those skilled in the art would be motivated or naturally tend to combine. See e.g. *In re Oetiker*, 977 F. 3<sup>rd</sup> 1443 (Fed Circuit 1992). Hindsight is impermissible as a basis for such assertion; *In re Gorman*, 933 F 2d 982, 986; 18 USPQ 2d 1885.

Regarding the foregoing it is submitted that the art sought to be combined with Slater pertains to systems entirely different from both Slater's switch complex management system and the presently claimed redirection service.

Howard concerns an arrangement for authenticating requested access to network servers (i.e. nothing to do with either Slater's switch cluster management or the presently claimed redirection of inquiries from a server to a destination determined by a user profile, where such destination is ambiguously defined in the inquiries).

O'Toole concerns remote booting and configuration control of a network appliance; and neither switch cluster control analogous to Slater's nor redirection service analogous or relevant to what is presently claimed.

Baker is understood to concern a name filtering service, operating between requesters and a public network, for handling name ambiguities in requests and

5           Barrick concerns an arrangement for testing network performance, by acquiring load time data from multiple network users. Barrick places cookies in user computers which gather such data. This is unrelated to either Slater's switch cluster management or presently claimed redirection service for redirecting inquiries having ambiguously named destination information to a single destination. In respect to present claims 8-10, which  
10 concern redirection of inquiries, containing ambiguous destination names associated with plural destinations, to a destination closest to respective immediate locations of inquirers, it is submitted that neither Barrick nor any of the other references, as presently understood, even remotely suggests this.

**Respectfully submitted,**

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